

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PAUL SMITH, #220 888,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:18-CV-653-ECM
)	[WO]
ALA. DEPT. OF CORRECTIONS,)	
)	
Defendant.)	

ORDER AND FINAL JUDGMENT

Plaintiff, a state inmate, filed this 42 U.S.C. § 1983 complaint on July 10, 2018. Prior to service of the complaint, Plaintiff filed a motion wherein he requests dismissal of this case. The court construes the motion as a Notice of Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff “before the opposing party serves either an answer or a motion for summary judgment[.]” Under Fed. R. Civ. P. 41(a)(1)(B), such dismissal is “without prejudice.”

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that this case is DISMISSED without prejudice pursuant to Plaintiff’s Notice of Dismissal. Doc. 4.

The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE this 17th day of August, 2018.

/s/ Emily C. Marks
EMILY C. MARKS
UNITED STATES DISTRICT JUDGE